

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FISHER & PAYKEL HEALTHCARE)
LIMITED,)
Plaintiff,) Misc. C.A. No. _____
v.) Case Pending in the Central District of
California
FLEXICARE INCORPORATED;)
FLEXICARE MEDICAL LIMITED, a)
United Kingdom company; and)
FLEXICARE (GROUP) LIMITED, a)
United Kingdom company,
Defendants.) Case No. 8:19-CV-00835-JVS(DFMx)

DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL

Defendants Flexicare Incorporated, Flexicare Medical Limited, and Flexicare (Group) Limited (collectively, “Flexicare” or “Defendants”) hereby moves for an Order authorizing Flexicare to file its Motion to Transfer, or in the Alternative, to Compel Non-Party DSM to Comply with Defendants’ Subpoenas and accompanying exhibits under seal. In support of this motion, Flexicare states as follows:

1. Flexicare are defendants in *Fisher & Paykel Healthcare Limited v. Flexicare Incorporated et al.*, No. 8:19-CV-00835-JVS(DFMx) (the “Underlying Action”), a case currently pending in the United States District Court for the Central District of California.
2. Attached hereto as Exhibit A is the Stipulated Protective Order signed by United States Magistrate Judge Douglas F. McCormick on September 3, 2019 in the Underlying Action (D.I. 49).
3. The Stipulated Protective Order provides that filings containing material protected under the Order shall be filed under seal. Ex. A, ¶ 8.

4. Flexicare intends to file a motion seeking an order compelling non-party DSM Engineering Materials, Inc. (“DSM”) to comply with two subpoenas, which were served on July 15, 2020. In support of that motion, it will be necessary to provide the Court with Flexicare and DSM’s confidential information.

5. Accordingly, Flexicare respectfully requests that the Court enter the attached proposed Order permitting Flexicare to file its Motion and accompanying exhibits under seal.

6. Flexicare will submit a public, redacted version of these documents within seven days of filing the original documents pursuant to this Court’s CM/ECF Procedures.

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Attorneys for Defendants

Dated: October 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2020, true and correct copies of the foregoing document were caused to be served on the following counsel as indicated:

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